

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY and CITY OF
TACOMA, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

TEVA PHARMACEUTICAL
INDUSTRIES, LTD., TEVA
PHARMACEUTICALS USA, INC., and
TEVA NEUROSCIENCE, INC.,

Defendants.

No. 2:21-cv-00477-RSL

**STIPULATED MOTION AND
ORDER REGARDING BRIEFING
SCHEDULE ON MOTIONS TO
DISMISS**

BACKGROUND

On July 2, 2021, Defendants Teva Pharmaceuticals USA, Inc. (“Teva Pharmaceuticals”) and Teva Neuroscience, Inc. (“Teva Neuroscience”) filed a motion to dismiss (the “First Motion to Dismiss”) the Complaint against them by Plaintiffs King County and City of Tacoma (collectively, “Plaintiffs”). *See* First Motion to Dismiss (Dkt. No. 27). The Court previously had granted Teva Pharmaceuticals and Teva Neuroscience leave to file an over-length motion. *See* Order Granting Defendants’ Motion for Over-Length Brief (Dkt. No. 22).

After the filing of the First Motion to Dismiss, Teva Pharmaceuticals, Teva Neuroscience, and Plaintiffs reached agreement on a briefing schedule for the First Motion to Dismiss, which they presented to the Court on July 6, 2021. *See* Stipulation and [Proposed] Order Regarding Briefing Schedule on Motion to Dismiss (Dkt. No. 28). The Court approved that agreed briefing schedule on July 7, 2021. *See* Stipulation and Order Regarding Briefing Schedule on Motion to Dismiss (Dkt. No. 29).

Although in the agreed briefing schedule, Teva Pharmaceuticals, Teva Neuroscience, and Plaintiffs contemplated that Plaintiffs might elect to amend their Complaint as a matter of course under Fed. R. Civ. P. 15(a)(1)(B) and extended the otherwise applicable deadline for such an amendment, Plaintiffs have decided not to amend their Complaint.

On or about July 6, 2021, a summons and Plaintiffs' Complaint were served upon Defendant Teva Pharmaceutical Industries, Ltd., ("TPI") in Tel Aviv, Israel. (Teva Pharmaceuticals, Teva Neuroscience, and TPI collectively, "the Teva Parties.") In addition to the grounds for dismissal asserted in the First Motion to Dismiss, TPI believes it has additional grounds for dismissal that are inapplicable to Teva Pharmaceuticals and Teva Neuroscience. Accordingly, TPI wishes to file an additional motion to dismiss (the "Second Motion to Dismiss") in which it will join in the arguments for dismissal asserted in the First Motion to Dismiss and further assert additional grounds for dismissal that TPI believes apply to it.

Counsel for the Teva Parties and counsel for Plaintiffs have conferred regarding an efficient way to present the issues in the First Motion to Dismiss and the anticipated Second Motion to Dismiss to the Court and have agreed, subject to this Court's approval, to the following:

STIPULATION

1. On or before August 30, 2021, TPI will file a Second Motion to Dismiss, not to exceed 24 pages, in which it will join in the arguments set forth in the First Motion to Dismiss without repeating them and advance additional, TPI-specific grounds for dismissal of the Complaint against it.

2. Plaintiffs shall file an omnibus opposition to the First and Second Motions to Dismiss no later than September 27, 2021. Plaintiffs' omnibus opposition to the First and Second Motions to Dismiss shall not exceed the combined length of the First and Second Motions to Dismiss.

3. The Teva Parties shall file an omnibus reply in support of the First and Second Motions to Dismiss no later than November 11, 2021. Per LCR 7(f)(4), the Teva Parties' omnibus reply in support of the First and Second Motions to Dismiss shall not exceed one-half of the total length of Plaintiffs' omnibus opposition to the First and Second Motions to Dismiss.

4. The First Motion to Dismiss (Dkt. No. 27) shall be re-noted from Friday, October 29, 2021, to Friday, November 12, 2021.

5. TPI shall note the Second Motion to Dismiss for Friday, November 12, 2021.

6. The Stipulation and Order Regarding Briefing Schedule on Motion to Dismiss (Dkt. No. 29) shall be STRICKEN.

DATED: July 21, 2021.

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ORDER

IT IS SO ORDERED.

DATED: July 22, 2021.



Hon. Robert S. Lasnik
United States District Judge